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In re Application of	:	
JANKA, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/009,287	:	
PCT No.: PCT/EP01/01663	:	UNDER 37 CFR 1.181
Int. Filing Date: 15 February 2001	:	
Priority Date: 22 February 2000	:	
Attorney's Docket No.: GK-ZEI-3140	:	
For: METHOD AND SYSTEM FOR DETECTING	:	
THE LIGHT COMING FROM A SAMPLE	:	

This decision is in response to applicant's papers filed 24 May 2005 which included copies of a "Request to Withdraw Abandonment Notice" originally filed 09 September 2003 and a "Reply to Decision on Petition Under 37 C.F.R. 1.137(b)" originally filed on 12 August 2002. The current filing is being treated as a petition under 37 CFR 1.181 to accept the papers as timely filed and withdraw the holding of abandonment in the present National stage application. No petition fee is required.

BACKGROUND

On 28 June 2002, applicant was mailed a decision granting applicant's petition to revive the present National stage application. In the decision it was noted that there was a question as to the name of the second listed inventor. Applicant was advised that in order to continue processing of the application applicant was required to provide an explanation and afforded two months to reply.

On 29 August 2003, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the decision mailed 28 June 2002 within the time period set therein and that above-identified application was abandoned as to the United States.

On 24 May 2005, applicant filed the present petition under 37 CFR 1.181 requesting withdrawal of the abandonment and enclosed copies of the "Request to Withdraw Abandonment Notice" and "Reply to Decision on Petition Under 37 C.F.R. 1.137(b)" detailed above.

DISCUSSION

A review of the application file finds the original copies of the "Request to Withdraw Abandonment Notice" and "Reply to Decision on Petition Under 37 C.F.R. 1.137(b)" contained therein. As such, it is proper to grant applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment for the present National stage file. As to the merits of the reply, applicant has supplied a statement which addresses the concern raised in the decision mailed 28 June 2002. Thus, all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States were satisfied on 06 November 2001.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment mailed 29 August 2003 is hereby **VACATED**.

This application will be given an international application filing date of 15 February 2001 and a date of **06 November 2001** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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